

# Revised Draft of Proposed Rules

April 26, 2007

*This document shows and explains the substantive changes proposed for consideration at the Rulemaking Hearing on May 1, 2007.*

*This draft copy of the proposed rule amendments is made available to the public and posted on the Department of State's web site, in compliance with the requirement of section 24-4-103 (4) (a), C.R.S., that "Any proposed rule or revised proposed rule by an agency which is to be considered at the public hearing . . . shall be made available to any person at least five days prior to said hearing."*

*Proposed additions to the current rules are reflected in SMALL CAPS. Proposed deletions from current rules are shown in ~~stricken type~~. Changes to the draft posted on the Department of State's web site March 16, 2007 are underlined. Annotations may be included.*

## COLORADO SECRETARY OF STATE

### 8 CCR 1505-1

#### ELECTION RULES

1 New Rule 2.9 would be adopted as follows:

2 2.9 REGISTRATION OF HOMELESS VOTERS.

3 2.9.1 A HOMELESS VOTER MAY IDENTIFY A SPECIFIC LOCATION WITHIN A  
4 PRECINCT THAT THE VOTER CONSIDERS HIS HOME BASE TO WHICH THE  
5 VOTER RETURNS REGULARLY AND MANIFESTS AN INTENT TO REMAIN, AND A  
6 PLACE FROM WHICH HE OR SHE CAN RECEIVE MESSAGES AND BE  
7 CONTACTED. A HOME BASE MAY INCLUDE A HOMELESS SHELTER, A  
8 HOMELESS PROVIDER, A PARK, A CAMPGROUND, OR ANY OTHER PHYSICAL  
9 LOCATION.

10 2.9.2 IF THE HOME BASE DOES NOT INCLUDE A MAILING ADDRESS, THEN THE  
11 HOMELESS VOTER MUST PROVIDE A MAILING ADDRESS PURSUANT TO  
12 SECTION 1-2-204(2)(F), C.R.S.

13 2.9.3 A POST OFFICE BOX OR GENERAL DELIVERY AT A POST OFFICE SHALL NOT BE  
14 DEEMED A HOME BASE.

1

2 Rule 10.4 would be amended as follows:

3 10.4 ~~On or after January 1, 2006, political organizations or individuals whose~~  
4 ~~candidate(s)~~ CANDIDATES WHOSE names are listed on a ballot must provide an  
5 audio recording of the pronunciation of ~~the~~ THEIR name to the Secretary of State ~~at~~  
6 ~~least sixty (60) days~~ prior to the election for offices that are voted on by the  
7 electors of the entire state, or of a congressional district, or for the offices of  
8 members of the general assembly or district attorney or a district office of state  
9 concern.

10 10.4.1 FOR CANDIDATES DESIGNATED BY A MAJOR OR MINOR PARTY, SUCH AUDIO  
11 RECORDING SHALL BE PROVIDED NO LATER THAN THE LAST DAY UPON  
12 WHICH THE CANDIDATE ACCEPTANCE MAY BE FILED WITH THE SECRETARY  
13 OF STATE IN ACCORDANCE WITH ARTICLE 4 OF TITLE 1, C.R.S.

14 10.4.2 FOR CANDIDATES NOMINATED BY PETITION, SUCH AUDIO RECORDING SHALL  
15 BE PROVIDED NO LATER THAN THE LAST DAY UPON WHICH THE PETITION OF  
16 NOMINATION AND CANDIDATE ACCEPTANCE MAY BE FILED WITH THE  
17 SECRETARY OF STATE IN ACCORDANCE WITH ARTICLE 4 OF TITLE 1, C.R.S.

18 10.4.3 FOR WRITE-IN CANDIDATES, SUCH AUDIO RECORDING SHALL BE PROVIDED  
19 NO LATER THAN THE LAST DAY UPON WHICH THE WRITE-IN CANDIDATE  
20 AFFIDAVIT OF INTENT MAY BE FILED WITH THE SECRETARY OF STATE IN  
21 ACCORDANCE WITH SECTION 1-4-1102, C.R.S.  
22

23 New Rules 11.5.43 and 11.5.4.7 would be adopted as follows:

24 11.5.4.3 PURSUANT TO 1-7-514, ONLY DEVICES USED IN THE ELECTION SHALL BE  
25 SELECTED FOR THE AUDIT.

26 Succeeding sections of Rule 11.5.4 would be renumbered accordingly.

27 11.5.4.7 FOR EACH DEVICE SELECTED BY THE SECRETARY OF STATE, RACES WILL BE  
28 RANDOMLY RESELECTED FROM THE FULL LIST OF AVAILABLE RACES FOR  
29 THAT DEVICE.

30 Succeeding sections of Rule 11.5.4 would be renumbered accordingly.  
31

32 Rule 11.6.3 would be amended as follows:

33 11.6.3 Storage

34 11.6.2.3.1 The storage of the V-VPAT records must be consistent with  
35 storage of Paper Ballots pursuant to section 1-7-802.

1 11.6.3.2-4 Individual spools containing V-VPAT records must contain the  
2 following catalog information affixed to the spool:

3 (a) Date and Name of Election;

4 (b) Name of Voting Location;

5 (c) Date(s) and Time(s) of Voting;

6 (d) Machine Serial Number of DRE Associated with the Record;  
7 and

8 (e) Number of spools associated with this machine for this election (i.e.  
9 “Spool 1 of 1”, or “Spool 1 of 2”, etc.).

10 11.6.3.32-4 Light sensitive storage containers shall be used for the 25 month  
11 storage period to ensure the integrity of the V-VPAT paper record.  
12 Containers shall be sealed, with record of the seal numbers maintained  
13 on file and signed by two elections officials.

14 11.6.3.42-5 A master catalog shall be maintained for the election containing  
15 the complete total number of V-VPAT spools used in the election.  
16

17 *Note: The amendment to Rule 11.6.3 is solely for the purpose of correcting the*  
18 *numbering of the sub-rules.*  
19

20 Rule 12.1 would be amended as follows:

21 12.1 Definitions.

22 12.1.1 A secrecy sleeve or secrecy envelope shall be sealed or closed on at least  
23 two sides, one of which shall be the bottom of the sleeve.

24 12.1.1.1 The secrecy sleeve or secrecy envelope shall be uniform within  
25 each type of absentee or mail ballot voting system used in the  
26 State of Colorado. Each secrecy sleeve or secrecy envelope  
27 used in the State of Colorado in any mail ballot or absentee  
28 ballot election shall contain the following required language,  
29 approved by the Secretary of State, regarding identification  
30 requirements of voters who have registered by mail:

31 (a) “First Time Voters Who Register By Mail

32 If you registered in your county by mail, and did not  
33 provide identification with your registration application, a  
34 copy of one of the forms of identification listed in Rule  
35 2.7(a) is required with your mail ballot or your absentee  
36 ballot.

1  
2 *Note: The amendment to Rule 12.1 is solely for the purpose of correcting a citation.*  
3

4 Rule 12.3 would be amended as follows:

5 12.3 Notice of elections.

6 12.3.1 Call and notice.

7 (a) Notice of the election is to be sent to the clerk and recorder of the  
8 county in which the election is to be held. The notice is to include  
9 the date by which the list of registered electors is to be submitted to  
10 the political subdivision.

11 (b) For multi-county political subdivisions, the notice sent to each clerk  
12 and recorder shall also include the names of all other counties in  
13 which the election will be held.

14 12.3.2 As soon as possible, but no later than 55 days prior to an election, a  
15 written plan must be submitted to the Secretary of State which includes  
16 the following:

17 (a) Date of the election;

18 (b) Type and name of jurisdiction involved in the election;

19 (c) Description of the type of election to be conducted;

20 (d) Citation of the statute or home rule charter provisions authorizing the  
21 election;

22 (e) Estimated number of eligible electors;

23 (f) Name of the designated election official who will be responsible for  
24 all aspects of the election;

25 (g) Indication of whether the county clerk and recorder will assist in the  
26 election for the entity other than by providing a list of registered  
27 electors and other information required by statute;

28 (h) Total number of "places of deposit". For security reasons,  
29 unmonitored freestanding places of deposit located outside will not  
30 be allowed;

31 (i) TOTAL NUMBER OF WALK-IN BALLOTING LOCATIONS;

32 (j) NUMBER OF ACCESSIBLE VOTING MACHINES ANTICIPATED BEING USED  
33 FOR WALK-IN BALLOTING LOCATIONS;

- 1 (K) LENGTH OF TIME ACCESSIBLE VOTING MACHINES WILL BE AVAILABLE  
2 FOR WALK-IN VOTING;
- 3 (iL) Written timetable for the conduct of the election in accordance with  
4 the statute;-
- 5 (jM) Indication of how postage will be handled for ballot packets  
6 returned as undeliverable (e.g. "return postage guaranteed");
- 7 (kN) Indication of procedures to be followed to ensure compliance with  
8 statutes and rules, including persons responsible for each stage;
- 9 (lO) Description of procedures to be used to ensure ballot security at all  
10 stages of the process;
- 11 (P) DESCRIPTION OF PROCEDURES FOR MAINTAINING PRIVACY AND  
12 SECURITY OF ACCESSIBLE MACHINES;
- 13 (mQ) Description of procedures to be used for signature verification;
- 14 (nR) Description of procedures to ensure privacy by use of a secrecy  
15 sleeve or secrecy envelope so receiving judges cannot tell how the  
16 elector voted;-
- 17 (oS) Description of procedures to be used to reconcile ballots issued,  
18 ballots received, defective ballots and substitute ballots; AND
- 19 (pT) An actual sample of the secrecy sleeve or secrecy envelope to be  
20 used in the mail ballot election.
- 21 12.3.3 IN ADDITION TO THE MAIL BALLOT PLAN, THE DESIGNATED ELECTION  
22 OFFICIAL IS ALSO REQUIRED TO SUBMIT A SECURITY PLAN IN ACCORDANCE  
23 WITH RULE 43.
- 24 12.3.34 Written timetable specifications:
- 25 (a) The designated election official shall prepare a written timetable for  
26 conducting the mail ballot election with specific dates or range of  
27 dates when each activity is to be completed;
- 28 (b) The timetable shall include the following dates:
- 29 (1) Copy of written plan to governing body;
- 30 (2) Date of approval of election by governing body;
- 31 (3) Date of submission of written plan to Secretary of State's  
32 office;

- 1 (4) Anticipated date of approval by Secretary of State;  
2 (5) Date of publication of notice of election;  
3 (6) Date of notice of election to the county clerk;  
4 (7) Date of notice of election to the county assessor, if property  
5 owners are eligible to vote in the election;  
6 (8) Date of close of registration;  
7 (9) Date by which the county clerk and recorder must submit the  
8 list of eligible electors to the political subdivision and, if  
9 property owners are eligible to vote in the election, the date by  
10 which the county assessor must submit the list of property  
11 owners;  
12 (10) DATE NOTICE WILL BE GIVEN TO VOTERS OF WALK-IN  
13 BALLOTING AND ACCESSIBLE VOTING OPTIONS;  
14 (11~~0~~)Date ballots will be mailed;  
15 (12~~1~~)Date verification and counting of ballots will begin; AND  
16 (13~~2~~)Date of the election.

17 .  
18 Rule 12.5 would be amended as follows:

19 12.5 Absentee and Early Voting.

20 12.5.1 Absentee voting occurs in a mail ballot election when a registered,  
21 eligible elector requests that the ballot be mailed to a place other than the  
22 address of record.

23 12.5.2 An “in person” request for an absentee ballot that is delivered to the  
24 elector in the clerk and recorder’s office may be filed any time after  
25 January 1 of the year of the election, but no later than the close of  
26 business on the Friday prior to the election; except that, if the applicant  
27 wishes to receive the absentee ballot by mail, the application shall be  
28 filed no later than the close of business on the seventh day before the  
29 election.

30 12.5.3 Upon receipt of a request for an absentee ballot, the designated election  
31 official shall deliver the original ballot or a replacement ballot to that  
32 elector.

33 12.5.4 A record shall be made on the registration rolls that a request for an

1 absentee ballot was received, a ballot was mailed to the alternate address  
2 and the ballot number shall be recorded.

3 12.5.5 For mail ballot elections, the notation "Absentee Ballot No. A.V.\_\_\_\_"  
4 shall not be required on the absentee ballots.

5 12.5.6 Establishment of ~~polling place for early voting shall not be required for a~~  
6 ~~mail ballot election, however the location for~~ walk-in balloting shall be  
7 maintained FOR THE PERIOD STARTING TWO (2) DAYS AFTER THE INITIAL  
8 MAILING OF BALLOTS THROUGH THE CLOSE OF POLLS ON ELECTION DAY.  
9

10

11 Rule 12.9 would be amended as follows:

12 12.9 Ballots Delivered in Person.

13 12.9.1 If a political subdivision desires to establish a site for walk-in voting  
14 outside of the county, municipality or district, permission must be  
15 obtained from the Secretary of State.

16 12.9.2 Any eligible elector may deliver in person to the designated or  
17 coordinated election official's office no more than 5 voted mail ballots  
18 from members of his or her household.

19 12.9.3 THE COUNTY CLERK AND RECORDER SHALL KEEP A LIST, TO THE EXTENT  
20 POSSIBLE, OF THE NAMES AND MAILING ADDRESSES OF ALL INDIVIDUALS  
21 WHO DELIVER MORE THAN FIVE VOTED MAIL BALLOTS TO THE  
22 DESIGNATED OR COORDINATED ELECTION OFFICIAL'S OFFICE.

23 12.9.4 THE COUNTY CLERK AND RECORDER SHALL NOTIFY EACH INDIVIDUAL ON  
24 THE LIST REQUIRED BY 12.9.3 BY LETTER THAT THEY HAVE VIOLATED  
25 THIS RULE BY DELIVERING MORE THAN FIVE ABSENTEE BALLOTS TO THE  
26 DESIGNATED ELECTION OFFICIAL.  
27

28 Rule 12.10.4 would be amended as follows:

29 12.10.4 The election judge issuing a replacement ballot shall indicate on the  
30 outside of the return-~~verification~~ envelope whether a sworn statement  
31 must be returned with the voted ballot. No replacement ballot shall be  
32 counted until it has been determined that an affidavit has been completed  
33 by the voter and has been received on or before election day by the  
34 election official.

35 New Rule 12.11 would be adopted as follows:

36 12.11 SURRENDER OF MAIL BALLOT

1 12.11.1 ANY VOTER MAY SURRENDER A MAIL BALLOT TO THE DESIGNATED  
2 ELECTION OFFICIAL AND VOTE IN-PERSON ON THE ACCESSIBLE DEVICE  
3 PROVIDED FOR THE ELECTION AS REQUIRED BY 1-5-705 C.R.S.

4 12.11.2 THE ELECTION JUDGE RECEIVING THE SURRENDERED BALLOT SHALL  
5 INDICATE ON THE OUTSIDE ENVELOPE THAT THE BALLOT ~~ISSUED~~ IS  
6 CANCELLED. THE VOTER'S<sup>2</sup> RECORD SHALL BE UPDATED WITH THE SAME  
7 VOTE CREDIT AS ASSIGNED TO VOTERS WHO RETURNED BALLOTS BY MAIL.

8 12.11.3 ANY ACCESSIBLE DEVICE USED FOR THE PURPOSES UNDER THIS RULE  
9 SHALL BE HANDLED WITH THE SAME PRIVACY, SECURITY AND ACCURACY  
10 CONCERNS AS REQUIRED PURSUANT TO THE SECRETARY OF STATE RULES  
11 AND TITLE 1 C.R.S.  
12

13 Rule 12.11 would be amended as follows:

14 12.142 Verification of Replacement Ballots

15 12.142.1 Upon issuance of a replacement ballot, the first voted ballot returned by  
16 the elector shall be considered the elector's official ballot, pursuant to  
17 section 1-8-111(3), C.R.S.

18 12.142.2 If a return ~~verification~~-envelope is submitted which contains a  
19 replacement ballot it shall be set aside until 7:00 p.m. on election day. If  
20 it can be determined that the replacement ballot is the only ballot issued  
21 to the elector or that all prior ballots issued to the elector have been  
22 voided, it may be processed in the same manner as the original ballot.

23 12.142.3 The information on the return ~~verification~~-envelope may be  
24 checked prior to 7:00 p.m. on election day, but the ballot may not be  
25 removed until the polls close.

26 12.142.4 When all voted ballots have been received and the polls closed, the  
27 replacement ballots shall be checked to ensure that the elector only voted  
28 with the replacement ballot. If it appears that the elector only voted the  
29 replacement ballot and if all the information is complete on the return  
30 ~~verification~~-envelope, the ballot may be removed and counted as the  
31 other ballots.  
32

33 Rule 12.12 would be amended as follows:

34 12.1213 Judges Duties.

35 12.1213.1 The judges shall record the results of the election on the judges'  
36 certificate and statement.



1           12.4213.2     The judges shall deliver the results of the election to the designated  
2                           election official along with all election materials.

3           12.4213.3     The judges shall deliver all election materials bound separately as  
4                           follows:

- 5                           (a) Ballots which were counted;
- 6                           (b) Ballots which were defective, as defined in 1-7-309(4);
- 7                           (c) Additional ballot pages returned after the voter cast his/her ballot  
8                                 that were appropriately marked and not counted in accordance with  
9                                 rule 12.4.1;
- 10                          (d) Ballots/~~verification~~ RETURN envelopes which may be challenged;
- 11                          (e) ~~Verification~~-RETURN envelopes with ballots removed;
- 12                          (f) Defective ~~verification~~-RETURN envelopes with ballots inside;
- 13                          (g) Ballot packets which were returned as undeliverable.

14

15   Succeeding subsections of Rule 12 would be renumbered accordingly.

16

17

18   Rule 14.6 would be amended as follows:

19   14.6   Counting of ~~Optical Scan~~ Ballots - Recount

20           14.6.1   All ~~optical scan tabulation machines~~-VOTING EQUIPMENT to be used in  
21                       the recount must be tested prior to the recount, utilizing the procedures  
22                       set forth in this section. Prior to the recount, the canvass board shall  
23                       choose at random and test Voting Devices and precinct(s) to be utilized  
24                       as a test deck for purposes of section 1-10.5-102. The purpose of a test  
25                       deck is to assure the tabulation machines are counting properly. The  
26                       ~~precinct~~-DEVICES chosen shall contain at least 50-5 ballots. A hand tally  
27                       shall be conducted of the selected DEVICES PURSUANT TO 1-10.5-  
28                       102(3)(A)~~precinct or of a minimum of fifty ballots contained within the~~  
29                       ~~selected precinct. A blank prom cartridge, rom cartridge, or memory~~  
30                       ~~card shall be utilized for the test deck. The ballots from the selected~~  
31                       ~~precinct test deck shall be processed through all scan tabulation~~  
32                       ~~machines that will be utilized for the recount.~~ The totals of the  
33                       recounted contest obtained from the test ~~precinct~~-DEVICES AND  
34                       PRECINCT(S) REPORTS FROM CLOSE OF POLLS shall be compared to the  
35                       hand-tallied total.

36           14.6.2   THE CANVASS BOARD SHALL CHOOSE AT RANDOM FIVE PERCENT (5%) OF  
37                       VOTING DEVICES CONTAINING VOTES FROM THE ELECTION, WHICH ARE

1                   AFFECTED BY THE RECOUNT, FOR THE TEST.

2                   (A) PRIOR TO THE START OF THE TEST, THE CANVASS BOARD SHALL  
3                   VERIFY THAT DEVICES RANDOMLY CHOSEN WERE NOT USED IN THE AUDIT  
4                   CONDUCTED PURSUANT TO 1-7-514 (1)(B).

5                   (B) THE PROPORTION OF OPTICAL SCAN DEVICES TO DRE/ELECTRONIC  
6                   VOTING DEVICES SELECTED FOR THE TEST SHALL MATCH THE PROPORTION  
7                   OF MACHINES USED IN THE ELECTION BY THE DESIGNATED ELECTION  
8                   OFFICIAL.

9                   (C) AT LEAST ONE DEVICE SELECTED FOR THE TEST SHALL BE A  
10                  CENTRAL COUNT/ABSENTEE BALLOT SCANNER.

11           14.6.3   FOR TESTING CENTRAL COUNT/ABSENTEE SCANNERS THE CANVASS BOARD  
12                   SHALL RANDOMLY SELECT ONE PERCENT (1%) OR 300 BALLOTS,  
13                   WHICHEVER IS GREATEST. A BLANK PROM CARTRIDGE, ROM CARTRIDGE  
14                   OR MEMORY CARD SHALL BE UTILIZED FOR THE TEST. THE BALLOTS  
15                   SELECTED SHALL BE PROCESSED THROUGH THE CENTRAL  
16                   COUNT/ABSENTEE SCANNER AND COMPARED TO THE HAND-TALLIED  
17                   TOTAL.

18           14.6.24 If the test deck ~~precinct~~-totals differ from the hand count totals, and the  
19                   discrepancy cannot be accounted for by voter error, all ballots containing  
20                   the recounted contest shall be tallied by hand following procedures for  
21                   paper ballot recounts. If the test deck ~~precinct~~-totals are exactly the  
22                   same, the recount tabulation shall be conducted by machines.

23  
24   Succeeding subsections of Rule 14.6 would be renumbered accordingly.

25  
26  
27   Rule 14.7 would be amended as follows:

28   14.7   Counting of Ballots Using the “Ballot Now” Voting System

29           14.7.1 In the case of a recount, the designated election official shall identify all  
30                   precincts with the contest(s) designated for a recount using the following  
31                   procedures:

32                   (a)   Using the Ballot Now Scanned Ballots by Precinct report from the  
33                   original election database, locate the batches containing any ballot  
34                   type (Election, Absentee, and Provisional) for the recount.

35                   (b)   Remove ballots from each batch and label them as “Recount”.

36           14.7.2 Required scanner testing shall be performed using a test deck from ~~a~~AT  
37                   LEAST THREE (3) randomly chosen precinct(s) with at least ~~50~~-150 ballots  
38                   TOTAL as prescribed by statute, following testing procedures outlined in

1 the State of Colorado Procedures for the use of the Ballot Now Voting  
2 System. A Recount Test spreadsheet shall be created based on the chosen  
3 precinct in the same fashion as the ballot options test spreadsheet.

4  
5 Rule 32.2 would be amended as follows:

6 32.2 Signature requirements

7 32.2.1 For petitions to recall school district directors the petition must be signed  
8 by the eligible electors of the ~~school~~ DIRECTOR's district equal in number  
9 to at least 40% of the ballots cast in the district in the last preceding  
10 election at which the director to be recalled was elected as indicated by  
11 the pollbook or abstract for the election. See section 1-12-105, C.R.S.

12  
13 32.2.2 When determining the number of required valid signatures for an elected  
14 office for which electors were allowed to vote for more than one  
15 candidate in a single race, the signature requirements shall be based on  
16 the number of ballots cast for that race as indicated by the pollbook or  
17 abstract for the election.

18  
19 Rule 43 would be amended as follows:

20 **Rule 43. County Security Procedures**

21 43.1 DEFINITIONS

22  
23 43.1.1 "CHAIN OF CUSTODY LOG" SHALL, FOR THE PURPOSES OF THIS RULE MEAN  
24 A WRITTEN RECORD THAT SHOWS THAT THE EQUIPMENT AND ALL  
25 ASSOCIATED DATA ~~IS SECURE~~ ARE IN THE DOCUMENTED CONTROL OF A  
26 COUNTY EMPLOYEE OR DEPUTIZED ELECTION JUDGE THROUGH THE ENTIRE  
27 TIME OF OWNERSHIP BY THE JURISDICTION FROM THE TIME THE  
28 EQUIPMENT IS DEEMED READY FOR THE ELECTION THROUGH THE TIME THE  
29 RESULTS OF THE ELECTION ARE OFFICIALLY CERTIFIED.

30  
31 43.1.2 "CONTINUOUS SECURITY SURVEILLANCE RECORDING" SHALL, FOR THE  
32 PURPOSES OF THIS RULE MEAN MONITORING BY A DEVICE WHICH  
33 CONTINUOUSLY SAMPLES THE REGULATED PARAMETER WITHOUT  
34 INTERRUPTION, EVALUATES THE DETECTOR RESPONSE AT LEAST ONCE  
35 EVERY 15 SECONDS, AND COMPUTES AND RECORDS THE AVERAGE VALUE  
36 AT LEAST EVERY 60 SECONDS, EXCEPT DURING ALLOWABLE PERIODS OF  
37 CALIBRATION.

38  
39 43.1.3 "DRE" MEANS A DIRECT RECORDING ELECTRONIC VOTING DEVICE. A  
40 DRE IS A VOTING DEVICE THAT RECORDS VOTES BY MEANS OF A BALLOT

1 DISPLAY PROVIDED WITH MECHANICAL OR ELECTRO-OPTICAL  
2 COMPONENTS OR AN AUDIO BALLOT THAT CAN BE ACTIVATED BY THE  
3 VOTER; THAT PROCESSES DATA BY MEANS OF A COMPUTER PROGRAM;  
4 AND THAT RECORDS VOTING DATA AND BALLOT IMAGES IN MEMORY  
5 COMPONENTS OR OTHER MEDIA. THE DEVICE MAY PRODUCE A  
6 TABULATION OF THE VOTING DATA STORED IN A REMOVABLE MEMORY  
7 COMPONENT AND AS PRINTED COPY. THE DEVICE MAY ALSO PROVIDE A  
8 MEANS FOR TRANSMITTING INDIVIDUAL BALLOTS OR VOTE TOTALS TO A  
9 CENTRAL LOCATION FOR CONSOLIDATING AND REPORTING RESULTS FROM  
10 REMOTE SITES TO THE CENTRAL LOCATION.

11  
12 43.1.4 "EMPLOYEE" SHALL, FOR THE PURPOSES OF THIS RULE, MEAN ALL FULL-  
13 TIME, PART-TIME, PERMANENT AND CONTRACT EMPLOYEES OF THE  
14 COUNTY WHO HAVE HAD A CRIMINAL HISTORY CHECK CONDUCTED IN  
15 ACCORDANCE WITH RULE 11.2 AND ARE DEPUTIZED BY THE COUNTY  
16 CLERK AND RECORDER TO PREPARE OR MAINTAIN THE VOTING SYSTEM OR  
17 ELECTION SETUP MATERIALS, STAFF THE COUNTING CENTER AND WHO  
18 HAVE ANY ACCESS TO THE ELECTROMECHANICAL VOTING SYSTEMS OR  
19 ELECTRONIC VOTE TABULATING EQUIPMENT.

20  
21 43.1.5 "REMOVABLE" CARD OR CARTRIDGE SHALL, FOR THE PURPOSES OF THIS  
22 RULE, MEAN ALL PROGRAMMING CARDS OR CARTRIDGES EXCEPT VOTER  
23 ACTIVATION CARDS THAT STORE FIRMWARE, SOFTWARE OR DATA.

24  
25 43.1.6 "TRUSTED BUILD" MEANS THE WRITE-ONCE INSTALLATION DISK OR DISKS  
26 FOR SOFTWARE AND FIRMWARE FOR WHICH THE SECRETARY OF STATE OR  
27 HIS/HER AGENT HAS ESTABLISHED THE CHAIN OF EVIDENCE TO THE  
28 BUILDING OF A DISK, WHICH IS THEN USED TO ESTABLISH AND/OR RE-  
29 ESTABLISH THE CHAIN OF CUSTODY OF ANY COMPONENT OF THE VOTING  
30 SYSTEM WHICH CONTAINS FIRMWARE OR SOFTWARE. THE TRUSTED BUILD  
31 IS THE ORIGIN OF THE CHAIN OF EVIDENCE FOR ANY SOFTWARE AND  
32 FIRMWARE COMPONENT OF THE VOTING SYSTEM.

33 43.12 Pursuant to section 1-5-616(5), C.R.S., each county shall file with the Secretary of  
34 State A security ~~procedures~~ PLAN that meets OR EXCEEDS the minimum standards  
35 set forth in this rule. THE PLAN FILED WITH THE SECRETARY OF STATE IN  
36 ACCORDANCE WITH THIS RULE SHALL PROVIDE A POINT BY POINT RESPONSE TO  
37 EACH OF THE REQUIREMENTS SET FORTH IN THIS RULE.

38 43.23 The county shall file security procedures annually no later than sixty (60) days  
39 prior to the first election in which the procedures will be used.

40 43.34 If no changes have occurred since the last security procedures filed, the county  
41 shall file a statement to that effect.

42 43.45 Revisions to previously filed security procedures shall clearly state which part of  
43 the procedures previously filed have been revised.

1 43.56 Each designated election official may change the security procedures within sixty  
2 (60) days of an election as a result of an emergency situation or other unforeseen  
3 circumstance, and document any changes. The designated election official shall  
4 file any revisions with the Secretary of State within five (5) days of the change.

5 43.67 If, pursuant to section 1-5-616(5)(b), C.R.S., the Secretary of State is unable to  
6 complete its review, the procedures or revisions shall be temporarily approved  
7 until such time as the review is completed. ~~The secretary of state shall notify the~~  
8 ~~county of temporary approval.~~

9 43.78 Security Procedures shall at a minimum include, if applicable:

10  
11 43.8.1 GENERAL REQUIREMENTS:

- 12  
13 A. AT ALL TIMES V-VPAT RECORDS AND REMOVABLE MEMORY CARDS  
14 SHALL BE HANDLED IN A SECURE MANNER SIMILAR TO THE  
15 HANDLING OF PAPER BALLOTS. WHEN NOT SEALED IN VOTING  
16 MACHINES, ALL REMOVABLE CARDS AND CARTRIDGES SHALL BE  
17 TRANSFERRED IN SECURE CONTAINERS WITH AT LEAST TWO  
18 TAMPER-EVIDENT SEALS WITH PRINTED SERIAL NUMBERS. AND THE  
19 INTEGRITY AND SERIAL NUMBER OF EACH SEAL SHALL BE VERIFIED  
20 BY ELECTION OFFICIALS AT SHIPPING AND RECEIVING LOCATIONS.  
21  
22 B. ALL DOCUMENTATION OF SEALS, CHAIN OF CUSTODY, AND OTHER  
23 DOCUMENTS RELATED TO THE TRANSFER OF EQUIPMENT BETWEEN  
24 PARTIES SHALL BE MAINTAINED ON FILE BY THE CLERK AND  
25 RECORDER AND IS SUBJECT TO INSPECTION BY THE SECRETARY OF  
26 STATE.  
27  
28 C. THE CHAIN OF CUSTODY FOR EACH VOTING DEVICE MUST BE  
29 MAINTAINED AND DOCUMENTED THROUGHOUT OWNERSHIP OR  
30 LEASING OF THE DEVICE BY THE CLERK AND RECORDER.  
31  
32 D. ONLY DEPUTIZED CLERKS, JUDGES, OR CANVASS BOARD MEMBERS  
33 SWORN UNDER OATH ARE ALLOWED TO HANDLE BALLOTS, WHICH  
34 INCLUDE V-VPAT RECORDS.  
35  
36 E. NO ADDITIONAL OR MODIFIED SOFTWARE DEVELOPED BY THE  
37 VENDOR THAT IS NOT SPECIFICALLY LISTED ON THE SECRETARY OF  
38 STATE'S CERTIFICATE SHALL BE INSTALLED ON ANY COMPONENT OF  
39 THE VOTING SYSTEM. NOTHING IN THIS RULE SHALL PRECLUDE THE  
40 USE OF COMMERCIAL OFF-THE-SHELF-SOFTWARE.  
41  
42 F. ANY FORM OR LOG CONTAINING "DATE" MEANS TO NOTE THE  
43 MONTH, CALENDAR DAY, YEAR, HOUR, MINUTE, AND WHETHER THE  
44 TIME IS A.M. OR P.M.

1 43.8.2 PHYSICAL LOCKING MECHANISMS AND SEALS

2  
3 A. DRES – ALL ~~DIRECT RECORD ELECTRONIC~~ VOTING DEVICES SHALL  
4 HAVE INDUSTRY STANDARD, COMMERCIAL OFF THE SHELF TAMPER-  
5 EVIDENT SEALS WITH PRINTED, UNIQUE SERIAL NUMBERS AFFIXED  
6 AS FOLLOWS:

7  
8 I. A SEAL ~~IS TO~~ SHALL BE PLACED OVER ANY REMOVABLE CARD OR  
9 CARTRIDGE THAT IS INSERTED INTO THE UNIT, OR OVER THE  
10 DOOR COVERING THE CARD OR CARTRIDGE.

11  
12 II. A SEAL IS TO BE PLACED OVER ANY REMOVABLE CARD OR  
13 CARTRIDGE SLOT WHEN NO CARD OR CARTRIDGE IS INSERTED  
14 INTO THE UNIT.

15  
16 III. TAMPER-EVIDENT, NUMBERED SEALS SHALL BE AFFIXED ACROSS  
17 THE SEAM AT WHICH THE TWO SIDES OF THE EXTERIOR CASE OF  
18 THE VOTING UNIT JOIN, WITH AT LEAST ONE SEAL FOR EACH OF  
19 THE FOUR SIDES OF THE DEVICE.

20  
21 IV. IF THE VOTING DEVICE CONTAINS ONE OR MORE SLOTS FOR A  
22 FLASH MEMORY CARD, A SEAL SHALL BE AFFIXED OVER EACH  
23 FLASH CARD OR EACH FLASH CARD SLOT, DOOR, OR ACCESS  
24 PANEL.

25  
26 V. THESE SAME PROCEDURES ALSO APPLY TO THE JUDGE’S BOOTH  
27 CONTROLLER (JBC) UNIT FOR THE HART INTERCIVIC SYSTEM.

28  
29 VI. ALL SEALS ARE TO BE VERIFIED BY TWO ELECTIONS OFFICIALS.

30  
31 B. V-VPATS – ALL V-VPAT UNITS SHALL BE SEALED UPON  
32 VERIFICATION OF NO VOTES ~~BEING~~ HAVING BEEN CAST ON THE  
33 PAPER RECORD PRIOR TO BEING ATTACHED TO A SPECIFIC VOTING  
34 DEVICE. SEALS MUST BE VERIFIED AS BEING INTACT BY AT LEAST  
35 TWO ELECTION OFFICIALS PRIOR TO THE START OF VOTING, AND AT  
36 THE CLOSE OF VOTING. V-VPAT RECORDS SHALL EITHER REMAIN  
37 IN THE V-VPAT CANISTER, OR BE SEALED AND SECURED IN A  
38 SUITABLE DEVICE FOR PROTECTING PRIVACY OR AS DESCRIBED IN  
39 ELECTION RULE 11.

40  
41 C. REMOTE OR CENTRAL-COUNT OPTICAL SCANNERS – OPTICAL  
42 SCANNERS USED IN A REMOTE OR CENTRAL TABULATING LOCATION  
43 SHALL HAVE TAMPER-EVIDENT SEALS AS FOLLOWS:  
44

1 I. A SEAL IS TO BE PLACED OVER EACH CARD OR CARTRIDGE  
2 INSERTED INTO THE UNIT, OR OVER ANY DOOR CONTAINING THE  
3 CARD OR CARTRIDGE.

4  
5 II. A SEAL IS TO BE PLACED OVER EACH EMPTY CARD OR  
6 CARTRIDGE SLOT.

7  
8 III. PRIOR TO THE START OF VOTING AND AFTER THE CLOSE OF  
9 VOTING, ALL SEALS ARE TO BE VERIFIED AS BEING INTACT BY  
10 TWO ELECTIONS OFFICIALS.

11  
12 D. MEMORY CARDS/CARTRIDGES – EACH REMOVABLE CARD OR  
13 CARTRIDGE SHALL HAVE A PERMANENT SERIAL NUMBER ASSIGNED  
14 AND SECURELY AFFIXED TO IT.

15  
16 E. THE CLERK AND RECORDER SHALL MAINTAIN A WRITTEN OR  
17 ELECTRONIC LOG THAT RECORDS WHICH CARD OR CARTRIDGE AND  
18 WHICH SEAL NUMBER IS ASSIGNED TO EACH VOTING UNIT. ANY  
19 BREACH OF CONTROL OVER A CARD/CARTRIDGE OR DOOR OR SLOT  
20 FOR A CARD/CARTRIDGE BEFORE AN ELECTION SHALL REQUIRE THAT  
21 THE COUNTY CLERK BE NOTIFIED AND FOLLOW THE PROCEDURES  
22 SPECIFIC TO THE INCIDENT AS DESCRIBED IN SECTION 10 OF THESE  
23 SECURITY REQUIREMENTS SECTION 43.8.11 OF THIS RULE.

24 43.8.3 INDIVIDUALS WITH ACCESS TO KEYS, DOOR CODES, AND VAULT  
25 COMBINATIONS

26  
27 43.8.3.1 COUNTIES ARE REQUIRED TO STATE THE POSITIONS AND DATES  
28 OF CBI BACKGROUND CHECK FOR EMPLOYEES WITH ACCESS TO  
29 THE FOLLOWING AREAS.

30  
31 43.8.3.2 FOR ALL COUNTIES, USE OF KEYPAD DOOR CODES OR LOCKS,  
32 VAULT COMBINATIONS, COMPUTER AND SERVER PASSWORDS,  
33 ENCRYPTION KEY CODES, AND ADMINISTRATOR PASSWORDS  
34 SHALL BE CHANGED AT LEAST ONCE PER CALENDAR YEAR PRIOR  
35 TO THE FIRST ELECTION OF THE YEAR. ONLY COUNTY  
36 EMPLOYEES MAY BE GIVEN ACCESS TO SUCH CODES,  
37 COMBINATIONS, PASSWORDS, AND ENCRYPTION KEYS,  
38 PURSUANT TO THE FOLLOWING LIMITATIONS. COUNTIES MAY  
39 REQUEST FROM THE SECRETARY OF STATE VARIANCE WITH THE  
40 FOLLOWING REQUIREMENTS ONLY IN EXTREME CIRCUMSTANCES.

41  
42 43.8.3.3 THE REQUIREMENTS FOR A COUNTY EMPLOYEE TO BE GIVEN  
43 ACCESS TO A CODE, COMBINATION, PASSWORD, OR ENCRYPTION  
44 KEY ARE AS FOLLOWS:  
45

1 A. ACCESS TO THE STORAGE AREA FOR VOTING EQUIPMENT,  
2 THE COUNTING ROOM OR TABULATION WORKSTATIONS, THE  
3 ABSENTEE BALLOT STORAGE AND COUNTING AREAS, AND  
4 THE ELECTION PROGRAMMING WORKSTATIONS SHALL BE  
5 RESTRICTED TO COUNTY EMPLOYEES AS DEFINED IN RULE  
6 43.1.4.  
7

8 B. EXCEPT FOR EMERGENCY PERSONNEL, NO OTHER  
9 INDIVIDUALS SHALL BE PRESENT IN THESE LOCATIONS  
10 UNLESS SUPERVISED BY ONE OR MORE COUNTY EMPLOYEES.  
11

12 IV. EACH INDIVIDUAL WHO HAS ACCESS TO THE CENTRAL  
13 ELECTION MANAGEMENT SYSTEM OR CENTRAL  
14 TABULATOR SHALL HAVE THEIR OWN UNIQUE USERNAME  
15 AND PASSWORD. NO INDIVIDUAL SHALL USE ANY OTHER  
16 INDIVIDUAL'S USERNAME OR PASSWORD. SHARED  
17 ACCOUNTS SHALL BE PROHIBITED.  
18

19 ~~VII.~~ THE COUNTY SHALL MAINTAIN A LOG OF EACH PERSON  
20 WHO ENTERS THE BALLOT STORAGE ROOM, INCLUDING  
21 THE PERSON'S NAME, SIGNATURE, AND DATE AND TIME  
22 OF ENTRY. IF ACCESS TO THE BALLOT STORAGE ROOM IS  
23 CONTROLLED BY USE OF KEY CARD OR SIMILAR DOOR  
24 ACCESS SYSTEM THAT IS CAPABLE OF PRODUCING A  
25 PRINTED PAPER LOG INCLUDING THE PERSON'S NAME  
26 AND DATE AND TIME OF ENTRY, SUCH A LOG SHALL MEET  
27 THE REQUIREMENTS OF THIS RULE.  
28

29 ~~43.8.3.443.10.11~~ Computer room access shall be limited to  
30 ~~authorized personnel~~ COUNTY EMPLOYEES AND ELECTION  
31 JUDGES only, and the delivery of ballots between the  
32 preparation room and computer room shall be performed by  
33 messengers or runners wearing distinguishing identification.  
34

#### 35 43.8.4 TEMPERATURE-CONTROLLED STORAGE 36

37 43.8.4.1 COUNTIES ARE REQUIRED TO ATTEST THAT THE TEMPERATURE-  
38 CONTROL SETTINGS USED WITH THE FOLLOWING COMPONENTS  
39 OF A VOTING SYSTEM. INFORMATION SUBMITTED TO THE  
40 SECRETARY OF STATE SHALL INDICATE THE SPECIFICS FOR EACH  
41 TYPE OF COMPONENT, AS WELL AS THE SPECIFIC ENVIRONMENT  
42 USED, WHICH MAY INCLUDE, BUT IS NOT LIMITED TO  
43 CONTROLLED OFFICES, CONTROLLED VAULTS, AND CONTROLLED  
44 WAREHOUSES. THE SETTINGS FOR TEMPERATURE CONTROL  
45 MUST BE AT LEAST THE FOLLOWING:  
46



- 1 A. SERVERS AND WORKSTATIONS – SERVERS AND  
2 WORKSTATIONS SHALL BE MAINTAINED IN A TEMPERATURE-  
3 CONTROLLED ENVIRONMENT. MAXIMUM TEMPERATURE  
4 SHALL AT NO TIME EXCEED 90 DEGREES FAHRENHEIT.  
5  
6 B. DRES – DRES SHALL BE MAINTAINED IN A TEMPERATURE-  
7 CONTROLLED ENVIRONMENT. THE TEMPERATURE SETTINGS  
8 SHALL BE MAINTAINED AT A MINIMUM OF 60 DEGREES  
9 FAHRENHEIT AND A MAXIMUM OF 90 DEGREES FAHRENHEIT.  
10  
11 C. OPTICAL SCANNERS – SCANNERS SHALL BE MAINTAINED IN  
12 A TEMPERATURE-CONTROLLED ENVIRONMENT. THE  
13 TEMPERATURE SETTINGS SHALL BE MAINTAINED AT A  
14 MINIMUM OF 50 DEGREES FAHRENHEIT AND A MAXIMUM OF  
15 90 DEGREES FAHRENHEIT.  
16  
17 D. V-VPAT RECORDS – IN ADDITION TO THE REQUIREMENTS  
18 SET FORTH IN ~~SOS-ELECTION~~ RULE 11, V-VPAT RECORDS  
19 SHALL BE MAINTAINED IN A TEMPERATURE-CONTROLLED  
20 ENVIRONMENT. THE TEMPERATURE SETTINGS SHALL BE  
21 MAINTAINED AT A MINIMUM OF 50 DEGREES FAHRENHEIT  
22 AND A MAXIMUM OF 80 DEGREES FAHRENHEIT. V-VPAT  
23 RECORDS SHALL ALSO BE MAINTAINED IN A DRY  
24 ENVIRONMENT, WITH STORAGE AT LEAST 4 INCHES ABOVE  
25 THE FINISHED FLOOR, FOR A PERIOD OF 25 MONTHS  
26 FOLLOWING THE ELECTION. THE HUMIDITY OF THE  
27 ENVIRONMENT SHALL NOT EXCEED 80% HUMIDITY FOR A  
28 PERIOD OF MORE THAN 24 HOURS. V-VPAT RECORDS  
29 SHALL BE STORED IN A MANNER THAT PREVENTS EXPOSURE  
30 TO LIGHT, EXCEPT AS NECESSARY DURING RECOUNTS AND  
31 AUDITS.  
32  
33 E. PAPER BALLOTS – PAPER BALLOTS SHALL BE MAINTAINED  
34 IN A DRY, HUMIDITY-CONTROLLED ENVIRONMENT. THE  
35 HUMIDITY OF THE ENVIRONMENT SHALL NOT EXCEED 80%  
36 HUMIDITY FOR A PERIOD OF MORE THAN 24 HOURS.  
37 ADDITIONALLY, PAPER BALLOTS SHALL BE STORED AT  
38 LEAST 4 INCHES ABOVE THE FINISHED FLOOR, FOR A PERIOD  
39 OF TWENTY-FIVE (25) MONTHS FOLLOWING THE ELECTION.  
40  
41 F. VIDEO DATA RECORDS – VIDEO DATA RECORDS SHALL BE  
42 MAINTAINED IN A DRY, TEMPERATURE-CONTROLLED  
43 ENVIRONMENT. THE HUMIDITY OF THE ENVIRONMENT  
44 SHALL NOT EXCEED 80% HUMIDITY FOR A PERIOD OF MORE  
45 THAN 24 HOURS. TEMPERATURE SETTINGS SHALL BE  
46 MAINTAINED AT A MINIMUM OF 40 DEGREES FAHRENHEIT

1 AND A MAXIMUM OF 80 DEGREES FAHRENHEIT.  
2 ADDITIONALLY, VIDEO DATA RECORDS SHALL BE STORED AT  
3 LEAST 4 INCHES ABOVE THE FINISHED FLOOR, FOR A PERIOD  
4 OF TWENTY-FIVE (25) MONTHS FOLLOWING THE ELECTION.

5 43.8.5 SECURITY CAMERAS OR OTHER SURVEILLANCE  
6

7 43.8.5.1 UNLESS OTHERWISE INSTRUCTED, CONTINUOUS SECURITY  
8 ~~CAMERA~~SURVEILLANCE RECORDINGS OF SPECIFIED AREAS  
9 SHALL BE MADE BEGINNING AT LEAST SIXTY (60) DAYS PRIOR TO  
10 THE ELECTION AND CONTINUING THROUGH AT LEAST THIRTY  
11 (30) DAYS AFTER THE ELECTION, UNLESS THERE IS A RECOUNT  
12 OR CONTEST. IF A RECOUNT OR CONTEST OCCURS, THE  
13 RECORDING SHALL CONTINUE THROUGH THE CONCLUSION OF  
14 ALL SUCH ACTIVITY. THE FOLLOWING ARE THE SPECIFIC  
15 MINIMUM REQUIREMENTS:  
16

17 A. COUNTIES OVER 50,000 REGISTERED VOTERS SHALL MAKE  
18 CONTINUOUS SECURITY ~~CAMERA~~SURVEILLANCE  
19 RECORDINGS OF THE FOLLOWING AREAS:  
20

21 I. ALL AREAS IN WHICH ELECTION SOFTWARE IS USED,  
22 INCLUDING BUT NOT LIMITED TO PROGRAMMING,  
23 DOWNLOADING MEMORY CARDS, UPLOADING MEMORY  
24 CARDS, TALLYING RESULTS, AND RESULTS REPORTING.  
25

26 II. CONTINUOUS SECURITY ~~CAMERA~~SURVEILLANCE  
27 RECORDINGS SHALL BE MADE OF ALL AREAS USED FOR  
28 PROCESSING ABSENTEE BALLOTS, INCLUDING BUT NOT  
29 LIMITED TO AREAS USED FOR SIGNATURE VERIFICATION,  
30 TABULATION, OR STORAGE OF VOTED BALLOTS  
31 BEGINNING AT LEAST THIRTY-FIVE (35) DAYS PRIOR TO  
32 THE ELECTION AND CONTINUING THROUGH AT LEAST  
33 THIRTY (30) DAYS AFTER THE ELECTION, UNLESS THERE  
34 IS A RECOUNT OR CONTEST. IF A RECOUNT OR CONTEST  
35 OCCURS, THE RECORDING SHALL CONTINUE THROUGH  
36 THE CONCLUSION OF ALL SUCH ACTIVITY.  
37

38 III. THE STORAGE AREA FOR ALL VOTING EQUIPMENT.  
39

40 B. COUNTIES UNDER 50,000 REGISTERED VOTERS SHALL MAKE  
41 CONTINUOUS SECURITY ~~CAMERA~~SURVEILLANCE  
42 RECORDINGS OF THE FOLLOWING AREAS:  
43

44 I. ALL AREAS IN WHICH ELECTION SOFTWARE IS USED,  
45 INCLUDING BUT NOT LIMITED TO PROGRAMMING,

3 43.8.6. EQUIPMENT MAINTENANCE PROCEDURES  
4

5 43.8.6.1 IN ADDITION TO THE REQUIREMENTS FOR VOTING SYSTEMS  
6 SPECIFIED IN ELECTION RULE 11, THE FOLLOWING MINIMUM  
7 STANDARDS SHALL BE ADHERED TO:  
8

- 9 A. ALL EQUIPMENT SHALL BE STORED THROUGHOUT THE YEAR  
10 WITH SERIALY-NUMBERED, TAMPER-EVIDENT SEALS OVER  
11 THE MEMORY CARD SLOTS FOR EACH DEVICE. THE COUNTY  
12 SHALL MAINTAIN A LOG OF THE SEALS USED FOR EACH  
13 DEVICE CONSISTENT TO THE LOGS USED FOR TRACKING  
14 ELECTION DAY SEALS.  
15  
16 B. FOR EQUIPMENT BEING SENT TO THE VENDOR FOR OFFSITE  
17 REPAIRS/REPLACEMENTS, THE COUNTY MUST MAINTAIN A  
18 LOG FILE FOR THE DEVICE THAT SHALL CONTAIN THE  
19 FOLLOWING: THE MODEL NUMBER, SERIAL NUMBER, AND  
20 THE TYPE OF DEVICE; THE FIRMWARE VERSION; THE  
21 SOFTWARE VERSION (AS APPLICABLE); DATE OF SUBMISSION  
22 TO THE VENDOR.  
23  
24 C. FOR EQUIPMENT RECEIVING MAINTENANCE ON-SITE BY THE  
25 VENDOR, THE COUNTY SHALL VERIFY THAT A CBI  
26 BACKGROUND CHECK HAS BEEN CONDUCTED ON ALL  
27 VENDOR PERSONNEL WITH ACCESS TO ANY COMPONENT OF  
28 THE VOTING SYSTEM. CBI INFORMATION SHALL BE  
29 UPDATED AND MAINTAINED ON FILE ANNUALLY.  
30 ADDITIONALLY, THE VENDOR'S REPRESENTATIVE SHALL BE  
31 ESCORTED AT ALL TIMES BY A COUNTY EMPLOYEE WHILE  
32 ON-SITE. AT NO TIME SHALL THE VOTING SYSTEM VENDOR  
33 HAVE ACCESS TO ANY COMPONENT OF THE VOTING SYSTEM  
34 WITHOUT SUPERVISION BY A COUNTY EMPLOYEE.  
35  
36 D. UPON COMPLETION OF ANY MAINTENANCE, THE COUNTY  
37 SHALL VERIFY OR REINSTATE THE TRUSTED BUILD AND  
38 CONDUCT A FULL ACCEPTANCE TEST OF EQUIPMENT THAT  
39 SHALL, AT A MINIMUM, INCLUDE THE HARDWARE  
40 DIAGNOSTICS TEST, AS INDICATED IN RULE 11, AND  
41 CONDUCT A MOCK ELECTION IN WHICH A COUNTY ELECTION  
42 OFFICIAL SHALL CAST A MINIMUM OF TEN (10) BALLOTS ON  
43 THE DEVICE TO ENSURE TABULATION OF VOTES IS WORKING  
44 CORRECTLY. ALL DOCUMENTATION OF RESULTS OF THE  
45 ACCEPTANCE TESTING SHALL BE MAINTAINED ON FILE WITH  
46 THE SPECIFIC DEVICE.

- 1  
2 E. THE SECRETARY OF STATE SHALL BE REQUIRED TO INSPECT  
3 THE COUNTIES' MAINTENANCE RECORDS ON A RANDOMLY  
4 SELECTED ONE PERCENT (1%) OF ALL VOTING DEVICES IN  
5 POSSESSION OF THE COUNTIES THROUGHOUT THE STATE IN  
6 EVEN YEARS, AND TO INSPECT THE MAINTENANCE RECORDS  
7 ON A RANDOMLY SELECTED FIVE PERCENT (5%) OF ALL  
8 VOTING DEVICES IN POSSESSION OF THE COUNTIES  
9 THROUGHOUT THE STATE IN ODD YEARS.

10 43.8.7. TRANSPORTATION OF EQUIPMENT, BALLOT BOXES, AND BALLOTS  
11

12 43.8.7.1 COUNTIES ARE REQUIRED TO SUBMIT DETAILED PLANS TO THE  
13 SECRETARY OF STATE PRIOR TO AN ELECTION REGARDING THE  
14 TRANSPORTATION OF EQUIPMENT AND BALLOTS BOTH TO  
15 REMOTE VOTING SITES AND BACK TO THE CENTRAL ELECTIONS  
16 OFFICE OR STORAGE FACILITY. WHILE ~~THIS TRANSPORTATION~~  
17 OF EQUIPMENT MAY BE HANDLED IN A MULTITUDE OF METHODS,  
18 THE FOLLOWING STANDARDS SHALL BE FOLLOWED WHEN  
19 TRANSPORTING VOTING EQUIPMENT TO THE VOTING LOCATION:  
20

21 A. TRANSPORTATION BY COUNTY PERSONNEL – COUNTY  
22 PERSONNEL SHALL AT ALL TIMES DISPLAY A BADGE OR  
23 OTHER IDENTIFICATION PROVIDED BY THE COUNTY. TWO  
24 (2) SIGNATURES AND DATE OF COUNTY PERSONNEL SHALL  
25 BE REQUIRED AT THE DEPARTURE LOCATION VERIFYING  
26 THAT THE EQUIPMENT, INCLUDING MEMORY CARD OR  
27 CARTRIDGE, IS SEALED TO PREVENT TAMPERING. UPON  
28 DELIVERY OF EQUIPMENT, AT LEAST TWO (2) COUNTY  
29 ELECTIONS PERSONNEL OR ELECTION JUDGES SHALL VERIFY  
30 THAT ALL SEALS ARE INTACT AND THAT THE SERIAL  
31 NUMBERS ON THE SEALS AGREE WITH THOSE ON THE SEAL-  
32 TRACKING LOG, AND SIGN AND DATE THE SEAL-TRACKING  
33 LOG. IF THERE IS ANY EVIDENCE OF POSSIBLE TAMPERING  
34 WITH A SEAL, OR IF THE SERIAL NUMBERS DO NOT AGREE,  
35 THEY SHALL IMMEDIATELY NOTIFY THE COUNTY CLERK  
36 WHO SHALL FOLLOW THE PROCEDURES SPECIFIC TO THE  
37 INCIDENT AS DESCRIBED IN SECTION 43.8.11 OF THIS RULE.  
38

39 B. TRANSPORTATION BY ELECTION JUDGES – ELECTION  
40 JUDGES THAT ARE RECEIVING EQUIPMENT FROM COUNTY  
41 PERSONNEL SHALL INSPECT ALL COMPONENTS OF VOTING  
42 DEVICES AND VERIFY THE SPECIFIC NUMBERS BY SIGNATURE  
43 AND DATE ON THE SEAL-TRACKING LOG FOR THE DEVICE.  
44 THE ELECTION JUDGE RECEIVING THE EQUIPMENT SHALL  
45 REQUEST TWO (2) JUDGES AT THE VOTING LOCATION TO  
46 INSPECT THE DEVICES AND TO SIGN AND DATE THE SEAL-

1 TRACKING LOG INDICATING THAT ALL SEALS ARE INTACT  
2 AND THAT THE SERIAL NUMBERS ON THE SEALS AGREE WITH  
3 THOSE ON THE SEAL-TRACKING LOG. IF THERE IS ANY  
4 EVIDENCE OF POSSIBLE TAMPERING WITH A SEAL, OR IF THE  
5 SERIAL NUMBERS DO NOT AGREE, THEY SHALL IMMEDIATELY  
6 NOTIFY THE COUNTY CLERK WHO SHALL FOLLOW THE  
7 PROCEDURES SPECIFIC TO THE INCIDENT AS DESCRIBED IN  
8 SECTION 10 OF THESE SECURITY REQUIREMENTS-SECTION  
9 43.8.11 OF THIS RULE.

- 10  
11 C. TRANSPORTATION BY CONTRACT – COUNTIES ELECTING TO  
12 CONTRACT THE DELIVERY OF EQUIPMENT TO REMOTE  
13 VOTING LOCATIONS SHALL PERFORM CBI BACKGROUND  
14 CHECKS ON THE SPECIFIC INDIVIDUALS WHO WILL BE  
15 DELIVERING THE EQUIPMENT. TWO (2) COUNTY PERSONNEL  
16 OR JUDGES SHALL VERIFY, SIGN, AND DATE THE SEAL-  
17 TRACKING LOG UPON RELEASE OF THE EQUIPMENT AND TWO  
18 OTHER COUNTY PERSONNEL OR JUDGES SHALL VERIFY, SIGN,  
19 AND DATE THE SEAL-TRACKING LOG UPON ACCEPTANCE OF  
20 THE EQUIPMENT AT THE DELIVERY POINT. IF THERE IS ANY  
21 EVIDENCE OF POSSIBLE TAMPERING WITH A SEAL, OR IF THE  
22 SERIAL NUMBERS DO NOT AGREE, THEY SHALL IMMEDIATELY  
23 NOTIFY THE COUNTY CLERK WHO SHALL FOLLOW THE  
24 PROCEDURES SPECIFIC TO THE INCIDENT AS DESCRIBED IN  
25 SECTION 43.8.11 OF THIS RULE.  
26

27 43.8.7.2 THE FOLLOWING STANDARDS SHALL BE FOLLOWED WHEN  
28 TRANSPORTING VOTING EQUIPMENT FROM THE VOTING  
29 LOCATION:  
30

- 31 A. IF MEMORY CARDS OR CARTRIDGES ARE TO BE REMOVED  
32 FROM VOTING DEVICES AT REMOTE VOTING LOCATIONS, THE  
33 FOLLOWING PROCEDURES ARE TO BE FOLLOWED:  
34  
35 I. BEFORE REMOVING A MEMORY CARD OR CARTRIDGE,  
36 TWO (2) JUDGES SHALL INSPECT AND VERIFY THAT ALL  
37 SEALS ON THE DEVICE ARE INTACT AND THAT THE SERIAL  
38 NUMBERS ON THE SEALS AGREE WITH THOSE LISTED ON  
39 THE SEAL-TRACKING LOG. BOTH JUDGES SHALL SIGN  
40 AND DATE THE SEAL-TRACKING LOG PRIOR TO BREAKING  
41 THE SEAL. IF THERE IS ANY EVIDENCE OF POSSIBLE  
42 TAMPERING WITH A SEAL, OR IF THE SERIAL NUMBERS DO  
43 NOT AGREE, THEY SHALL IMMEDIATELY NOTIFY THE  
44 COUNTY CLERK WHO SHALL FOLLOW THE PROCEDURES  
45 SPECIFIC TO THE INCIDENT AS DESCRIBED IN SECTION 10

1 OF THESE SECURITY REQUIREMENTS SECTION 43.8.11 OF  
2 THIS RULE.  
3

4 II. JUDGES SHALL PLACE THE CARDS OR CARTRIDGES IN A  
5 SEALABLE TRANSFER CASE THAT SHALL BE SEALED WITH  
6 TWO-AT LEAST ONE (1) SEALS. ADDITIONAL SEAL LOGS  
7 SHALL BE MAINTAINED FOR THE TRANSFER CASE OF THE  
8 MEMORY CARDS OR CARTRIDGES.  
9

10 III. ELECTION JUDGES SHALL PLACE NEW SEALS OVER THE  
11 EMPTY MEMORY CARD/CARTRIDGE SLOT AND/OR DOOR  
12 AND DOCUMENT THE SEAL NUMBERS USED.  
13

14 IV. AT LEAST TWO (2) COUNTY EMPLOYEES OR JUDGES  
15 SHALL ACCOMPANY THE TRANSFER CASE CONTAINING  
16 THE MEMORY CARD/CARTRIDGE TO THE DROP OFF  
17 LOCATION. SEAL INTEGRITY AND SERIAL NUMBERS WILL  
18 BE VERIFIED, AND LOGS WILL BE SIGNED AND DATED BY  
19 COUNTY ELECTION OFFICIALS RECEIVING THE  
20 EQUIPMENT. IF THERE IS ANY EVIDENCE OF POSSIBLE  
21 TAMPERING WITH A SEAL, OR IF THE SERIAL NUMBERS DO  
22 NOT AGREE, ~~THEY~~ THEY-THE COUNTY EMPLOYEES OF ELECTION  
23 JUDGES SHALL IMMEDIATELY NOTIFY THE COUNTY  
24 CLERK WHO SHALL FOLLOW THE PROCEDURES SPECIFIC  
25 TO THE INCIDENT AS DESCRIBED IN SECTION 43.8.11 OF  
26 THIS RULE.  
27

28 V. COUNTY PERSONNEL OR ELECTION JUDGES  
29 TRANSPORTING SECURED VOTING EQUIPMENT MUST  
30 MAINTAIN CHAIN OF CUSTODY LOGS AND SEAL-  
31 TRACKING LOGS. IF THERE IS ANY EVIDENCE OF  
32 POSSIBLE TAMPERING WITH A SEAL, OR IF THE SERIAL  
33 NUMBERS DO NOT AGREE, THEY SHALL IMMEDIATELY  
34 NOTIFY THE COUNTY CLERK WHO SHALL FOLLOW THE  
35 PROCEDURES SPECIFIC TO THE INCIDENT AS DESCRIBED IN  
36 SECTION 43.8.11 OF THIS RULE.  
37

38 B. IF DEVICES ARE TO BE DELIVERED WITH MEMORY  
39 CARDS/CARTRIDGES INTACT, THE FOLLOWING PROCEDURES  
40 SHALL BE FOLLOWED:  
41

42 I. TWO (2) COUNTY EMPLOYEES OR ELECTION JUDGES  
43 SHALL VERIFY THAT ALL SEALS ARE INTACT AT THE  
44 CLOSE OF POLLS. JUDGES WILL SIGN THE SEAL-  
45 TRACKING LOG WITH SUCH INDICATION. IF THERE IS ANY  
46 EVIDENCE OF POSSIBLE TAMPERING WITH A SEAL, OR IF

1 THE SERIAL NUMBERS DO NOT AGREE, THEY SHALL  
2 IMMEDIATELY NOTIFY THE COUNTY CLERK WHO SHALL  
3 FOLLOW THE PROCEDURES SPECIFIC TO THE INCIDENT AS  
4 DESCRIBED IN SECTION 43.8.11 OF THIS RULE.  
5

6 II. AT LEAST TWO (2) COUNTY EMPLOYEES OR JUDGES  
7 SHALL ACCOMPANY THE SECURED EQUIPMENT TO THE  
8 DROP-OFF LOCATION. SEALS WILL BE VERIFIED, AND  
9 LOGS WILL BE SIGNED AND DATED BY THE COUNTY  
10 ELECTION OFFICIAL RECEIVING THE EQUIPMENT. IF  
11 THERE IS ANY EVIDENCE OF POSSIBLE TAMPERING WITH A  
12 SEAL, OR IF THE SERIAL NUMBERS DO NOT AGREE, THEY  
13 SHALL IMMEDIATELY NOTIFY THE COUNTY CLERK WHO  
14 SHALL FOLLOW THE PROCEDURES SPECIFIC TO THE  
15 INCIDENT AS DESCRIBED IN SECTION 43.8.11 OF THIS  
16 RULE.  
17

18 III. UPON CONFIRMATION THAT THE SEALS ARE INTACT AND  
19 BEAR THE CORRECT NUMBERS, THE MEMORY CARD OR  
20 CARTRIDGE SHALL BE REMOVED AND UPLOADED INTO  
21 THE CENTRAL COUNT SYSTEM.  
22

23 IV. ELECTION OFFICIALS SHALL SECURE THE EQUIPMENT BY  
24 PLACING A TAMPER-EVIDENT SEAL OVER THE MEMORY  
25 CARD SLOT AND BY UPDATING THE DOCUMENTATION TO  
26 REFLECT THE NEW SEAL NUMBERS.

27 43.8.8. EMERGENCY CONTINGENCY PLANS FOR VOTING EQUIPMENT AND VOTING  
28 LOCATIONS  
29

30 43.8.8.1 ALL REMOTE DEVICES USED IN AN ELECTION SHALL HAVE  
31 SUFFICIENT BATTERY BACKUP FOR AT LEAST TWO (2) HOURS OF  
32 USE. IF THIS REQUIREMENT IS MET BY RELIANCE ON THE  
33 INTERNAL BATTERY OF THE VOTING DEVICE, THEN THE CLERK  
34 AND RECORDER SHALL VERIFY THAT ALL BATTERIES ARE FULLY  
35 CHARGED AND IN WORKING ORDER PRIOR TO THE OPENING OF  
36 POLLS AT THE VOTING LOCATION. THIS REQUIREMENT ALSO  
37 CAN BE MET WITH THE PURCHASE OF THIRD-PARTY BATTERY  
38 BACKUP SYSTEMS.  
39

40 43.8.8.2 IN THE EVENT OF A SERIOUS OR CATASTROPHIC EQUIPMENT  
41 FAILURE OR EQUIPMENT BEING REMOVED FROM SERVICE AT ONE  
42 OR MORE POLLING LOCATIONS, OR THERE IS NOT ADEQUATE  
43 BACKUP EQUIPMENT TO MEET THE REQUIREMENTS OF SECTION  
44 1-5-501, C.R.S., THE COUNTY CLERK SHALL CONTACT THE  
45 SECRETARY OF STATE FOR AUTHORIZATION TO USE

1 PROVISIONAL BALLOTS OR ABSENTEE BALLOTS AS AN  
2 EMERGENCY VOTING METHOD.

3 43.8.9. INTERNAL CONTROLS FOR THE VOTING SYSTEM  
4

5 43.8.9.1 IN ADDITION TO THE ACCESS CONTROLS DISCUSSED IN SECTION  
6 43.8.3 OF THIS RULE, COUNTIES ARE REQUIRED TO CHANGE ALL  
7 PASSWORDS AND LIMIT ACCESS TO THE FOLLOWING AREAS:  
8

9 A. SOFTWARE – ALL SOFTWARE PASSWORDS SHALL BE  
10 CHANGED ONCE PER CALENDAR YEAR PRIOR TO THE FIRST  
11 ELECTION. THIS INCLUDES ANY BOOT OR STARTUP  
12 PASSWORDS IN USE, AS WELL AS ANY ADMINISTRATOR AND  
13 USER PASSWORDS AND REMOTE DEVICE PASSWORDS.  
14

15 B. HARDWARE – ALL HARDWARE PASSWORDS SHALL BE  
16 CHANGED ONCE PER CALENDAR YEAR PRIOR TO THE FIRST  
17 ELECTION. THIS INCLUDES ANY ENCRYPTION KEYS, KEY  
18 CARD TOOLS, SUPERVISOR CODES, POLL WORKER  
19 PASSWORDS ON SMART CARDS, USB KEYS, TOKENS, AND  
20 VOTING DEVICES THEMSELVES AS IT APPLIES TO THE SPECIFIC  
21 SYSTEM.  
22

23 C. PASSWORD MANAGEMENT – ACCESS TO THE  
24 ADMINISTRATIVE PASSWORDS TO THE ELECTION  
25 MANAGEMENT SOFTWARE SHALL BE LIMITED TO TWO (2)  
26 COUNTY EMPLOYEES. ACCESS TO PASSWORDS FOR ALL  
27 COMPONENTS OF THE OF THE ELECTION SOFTWARE AND  
28 HARDWARE SHALL BE LIMITED TO TWO (2) COUNTY  
29 EMPLOYEES. AN ADDITIONAL TEN (10) PEOPLE MAY HAVE  
30 ACCESS TO THE ADMINISTRATIVE PASSWORDS FOR THE  
31 SOFTWARE COMPONENTS AND AN ADDITIONAL TEN (10)  
32 PEOPLE MAY HAVE ACCESS TO THE ADMINISTRATIVE  
33 PASSWORDS FOR THE HARDWARE COMPONENTS OF THE  
34 VOTING SYSTEM.  
35

36 D. INTERNET ACCESS – AT NO TIME SHALL ANY COMPONENT OF  
37 THE VOTING SYSTEM BE CONNECTED, DIRECTLY OR  
38 INDIRECTLY, TO THE INTERNET.  
39

40 E. MODEM TRANSMISSION -- AT NO TIME SHALL ANY  
41 COMPONENT OF THE VOTING SYSTEM BE CONNECTED TO  
42 ANOTHER DEVICE EXCEPT FOR THE VOTE TALLY SOFTWARE,  
43 DIRECTLY OR INDIRECTLY, BY MODEM AS ALLOWABLE BY  
44 THE CERTIFICATION OF THE SPECIFIC DEVICE.  
45



- 1 F. REMOTE SITES MAY USE MODEM FUNCTIONS OF OPTICAL  
2 SCANNERS AND DRES ONLY FOR THE PURPOSE OF  
3 TRANSMITTING UNOFFICIAL RESULTS, AS PERMITTED BY THE  
4 SECRETARY OF STATE'S CERTIFICATION DOCUMENTS FOR  
5 THE SPECIFIC SYSTEMS. COUNTIES USING MODEM DEVICES  
6 TO TRANSMIT RESULTS SHALL MEET THE FOLLOWING  
7 REQUIREMENTS:  
8  
9 I. TRANSMISSIONS MAY BE USED ONLY FOR SENDING  
10 TESTING DATA OR UNOFFICIAL RESULTS; AFTER ALL  
11 OTHER STEPS HAVE BEEN TAKEN TO CLOSE THE POLLS.  
12 ALL SUMMARY TAPES ~~SHOULD~~ SHALL BE PRINTED  
13 BEFORE CONNECTING ANY OF THE MACHINES TO A  
14 MODEM OR TELEPHONE LINE.  
15  
16 II. MODEMS ~~CANNOT~~ SHALL NOT BE USED FOR ANY  
17 PROGRAMMING, SETUP, OR INDIVIDUAL BALLOT-  
18 CASTING TRANSMISSIONS.  
19  
20 III. THE RECEIVING TELEPHONE NUMBER FOR THE MODEM  
21 TRANSMISSION SHALL BE CHANGED AT LEAST ONCE PER  
22 CALENDAR YEAR PRIOR TO THE FIRST ELECTION.  
23  
24 IV. A MAXIMUM OF SIX (6) COUNTY EMPLOYEES SHALL ~~BE~~  
25 ~~MADE AWARE OF~~ HAVE ACCESS TO THE TELEPHONE  
26 NUMBER RECEIVING THE TRANSMISSION. COUNTIES  
27 SHALL NOT PUBLISH OR PRINT THE RECEIVING  
28 TELEPHONE NUMBER FOR ANY ELECTION JUDGE. TO THE  
29 EXTENT POSSIBLE, THE TELEPHONE NUMBER SHALL BE  
30 PROGRAMMED INTO THE DEVICE AND USED BY THE  
31 DEVICE IN A WAY THAT IS HIDDEN FROM ELECTION  
32 JUDGES AND VOTERS FROM SEEING THE DISPLAY OF THE  
33 NUMBER AT ANY TIME.  
34  
35 G. AUTHORIZED COUNTY PERSONNEL - COUNTIES ARE  
36 REQUIRED TO INCLUDE IN THEIR SECURITY PLANS THE  
37 POSITIONS AND DATES OF CBI BACKGROUND CHECKS FOR  
38 EMPLOYEES WITH ACCESS TO ANY OF THE ABOVE AREAS OR  
39 EQUIPMENT. EACH COUNTY SHALL MAINTAIN A STORAGE-  
40 FACILITY ACCESS LOG THAT DETAILS EMPLOYEE NAME,  
41 DATE, AND TIME OF ACCESS TO THE STORAGE FACILITY IN  
42 WHICH THE SOFTWARE, HARDWARE, OR COMPONENTS OF  
43 ANY VOTING SYSTEM ARE MAINTAINED. IF ACCESS TO THE  
44 STORAGE FACILITY IS CONTROLLED BY USE OF KEY CARD OR  
45 SIMILAR DOOR ACCESS SYSTEM THAT IS CAPABLE OF  
46 PRODUCING A PRINTED PAPER LOG INCLUDING THE PERSON'S

1 NAME AND DATE AND TIME OF ENTRY, SUCH A LOG SHALL  
2 MEET THE REQUIREMENTS OF THIS RULE.

3 43.8.10. SECURITY TRAINING FOR ELECTION JUDGES  
4

5 43.8.10.1 COUNTIES ARE REQUIRED TO INCLUDE THE DETAILS OF THEIR  
6 SECURITY TRAINING FOR THEIR ELECTION JUDGES, WHICH SHALL  
7 INCLUDE THE ANTICIPATED TIME OF TRAINING, LOCATION OF  
8 TRAINING, AND NUMBER OF JUDGES RECEIVING THE SECURITY  
9 TRAINING, AS IT APPLIES TO THE FOLLOWING REQUIREMENTS:  
10

11 A. THE COUNTY SHALL CONDUCT A SEPARATE TRAINING  
12 MODULE FOR FIELD TECHNICIANS AND ELECTION JUDGES  
13 WHO WILL BE RESPONSIBLE FOR OVERSEEING THE  
14 TRANSPORTATION AND USE OF THE VOTING SYSTEMS,  
15 PICKING UP SUPPLIES, AND TROUBLESHOOTING DEVICE  
16 PROBLEMS THROUGHOUT THE ELECTION DAY.  
17

18 B. SECURITY TRAINING SHALL INCLUDE THE FOLLOWING  
19 COMPONENTS:  
20

21 I. PROPER APPLICATION AND VERIFICATION OF SEALS AND  
22 SEAL-TRACKING LOGS;  
23

24 II. HOW TO DETECT TAMPERING WITH VOTING EQUIPMENT,  
25 MEMORY CARDS/CARTRIDGES, OR ELECTION DATA ON  
26 THE PART OF ANYONE COMING IN CONTACT WITH VOTING  
27 EQUIPMENT, INCLUDING COUNTY PERSONNEL, OTHER  
28 ELECTION JUDGES, VENDOR PERSONNEL, OR VOTERS;  
29

30 III. ENSURING PRIVACY IN VOTING BOOTHS;  
31

32 IV. THE NATURE OF AND REASONS FOR THE STEPS TAKEN TO  
33 MITIGATE THE SECURITY VULNERABILITIES OF DREs  
34 VOTING SYSTEMS;  
35

36 V. V-VPAT REQUIREMENTS;  
37

38 VI. CHAIN-OF-CUSTODY REQUIREMENTS FOR VOTING  
39 EQUIPMENT, MEMORY CARDS/CARTRIDGES, AND OTHER  
40 ELECTION MATERIALS;  
41

42 VII. BALLOT SECURITY;  
43

44 VIII. VOTER ANONYMITY; AND  
45

46 IX. RECOGNITION AND REPORTING OF SECURITY INCIDENTS.

1 43.8.11. REMEDIES  
2

3 43.8.11.1 IF IT IS DETECTED THAT THE SEAL HAS BEEN BROKEN OR IF  
4 THERE IS A DISCREPANCY BETWEEN THE LOG AND THE SERIAL  
5 NUMBER OF EITHER A VOTING DEVICE, OR A MEMORY CARD OR  
6 CARTRIDGE, THE CONDITION MUST BE CONFIRMED BY ONE OR  
7 MORE OF THE REMAINING ELECTION JUDGES FOR THE LOCATION.  
8 THE JUDGES SHALL IMMEDIATELY NOTIFY THE COUNTY CLERK,  
9 WHO SHALL INVESTIGATE, REPORT THE INCIDENT TO THE  
10 SECRETARY OF STATE, AND FOLLOW THE APPROPRIATE REMEDY  
11 AS INDICATED IN THIS RULE OR AS DIRECTED BY THE SECRETARY  
12 OF STATE.  
13

14 43.8.11.2 IF A SEAL HAS BEEN BROKEN OR REMOVED UNDER THE  
15 FOLLOWING CONDITIONS:  
16

17 A. DURING EITHER THE TRANSPORTATION, SETUP, OPENING  
18 POLLS, OR CLOSING POLLS FOR THE DEVICE;  
19

20 B. TWO ELECTION JUDGES CAN VERIFY THE BREAKING OR  
21 REMOVING OF THE SEAL; AND  
22

23 C. THE CHAIN OF CUSTODY HAS NOT BEEN BROKEN, MEANING  
24 THE DEVICE HAS BEEN WITHIN OWNERSHIP OF ELECTION  
25 JUDGES OR COUNTY EMPLOYEES ONLY DURING THIS TIME;  
26

27 THE COUNTY CLERK AND RECORDER SHALL INSTRUCT THE  
28 JUDGES TO COMPLETE A SECURITY INCIDENT REPORT DETAILING  
29 THE INCIDENT, REPLACING THE SEALS, UPDATING THE CHAIN OF  
30 CUSTODY LOG AS APPROPRIATE.  
31

32 THE SECURITY INCIDENT REPORT SHALL BE FILED WITH THE  
33 SECRETARY OF STATE DURING THE CANVASS PERIOD.  
34

35 43.8.11.23 IF A SEAL HAS BEEN BROKEN OR REMOVED OUTSIDE OF THE  
36 SITUATION IN 43.8.11.2, ANY UNIT INVOLVED MUST UNDERGO  
37 THE REINSTATEMENT OR VERIFICATION OF THE TRUSTED BUILD.  
38 COUNTY CLERK AND RECORDERS WILL BE REQUIRED TO  
39 COMPLETE A SECURITY INCIDENT REPORT. THE MINIMUM  
40 SSPECIFIC REQUIREMENTS ON THE REMEDY ARE AS FOLLOWS  
41 (ADDITIONAL REQUIREMENTS MAY BE DETERMINED BASED ON  
42 THE DETAILS OF THE INCIDENT REPORT):  
43

44 A. IF THE EVIDENCE IS PRIOR TO THE START OF VOTING:  
45

I. THE DEVICE SHALL BE SEALED AND SECURELY DELIVERED TO THE CLERK AND RECORDER.

~~II. IF THE SEAL IS NOT OVER THE MEMORY CARD, THE CLERK AND RECORDER SHALL RESET THE MACHINE TO PRE-ELECTION MODE, CONDUCT HARDWARE DIAGNOSTICS TESTING AS PRESCRIBED IN RULE 11, AND PROCEED TO CONDUCT A LOGIC AND ACCURACY TEST ON THE MACHINE IN FULL ELECTION MODE, CASTING AT LEAST 25 BALLOTS FOR COUNTIES WITH LESS THAN 50,000 REGISTERED VOTERS, 50 BALLOTS FOR COUNTIES WITH MORE THAN 50,000 REGISTERED VOTERS ON THE DEVICE. THE TOTALS FROM THE DEVICE SHALL BE VERIFIED THROUGH THE UPLOADING PROCESS AND DETERMINED TO BE ACCURATE.~~

II. ~~III. IF THE SEAL IS OVER THE MEMORY CARD, THE CLERK AND RECORDER SHALL REMOVE AND SECURE THE MEMORY CARD FOLLOWING THE PROCEDURES IN SECTION 43.8.1(A). THE CLERK AND RECORDER OR HIS OR HER DESIGNEE SHALL FOLLOW THE STATE INSTRUCTIONS FOR INSTALLING/VERIFYING THE TRUSTED BUILD FOR THE SPECIFIC DEVICE, AND INSERT A SECURED MEMORY CARD INTO THE DEVICE. THE CLERK AND RECORDER OR HIS OR HER DESIGNEE SHALL CONDUCT A HARDWARE DIAGNOSTICS TEST AS PRESCRIBED IN RULE 11, AND PROCEED TO CONDUCT A LOGIC AND ACCURACY TEST ON THE MACHINE IN FULL ELECTION MODE, CASTING AT LEAST 25 BALLOTS FOR COUNTIES WITH LESS THAN 50,000 REGISTERED VOTERS, 50 BALLOTS FOR COUNTIES WITH MORE THAN 50,000 REGISTERED VOTERS ON THE DEVICE. THE TOTALS FROM THE DEVICE SHALL BE VERIFIED THROUGH THE UPLOADING PROCESS AND DETERMINED TO BE ACCURATE. ALL DOCUMENTATION OF TESTING AND CHAIN OF CUSTODY SHALL BE MAINTAINED ON FILE FOR EACH SPECIFIC DEVICE.~~

~~III~~ IV. COMPLETE THE NECESSARY SEAL PROCESS AND DOCUMENTATION TO RE-ESTABLISH THE CHAIN OF CUSTODY FOR THE DEVICE AND NEW MEMORY CARD.

IV. SET THE MACHINE TO ELECTION MODE READY FOR A ZERO REPORT.

1 VI. ~~AT THE CONCLUSION OF THE ELECTION A FULL (ALL~~  
2 ~~RACES) POST ELECTION AUDIT SHALL BE CONDUCTED ON~~  
3 ~~THE DEVICE AND RESULTS REPORTED TO THE SECRETARY~~  
4 ~~OF STATE AS REQUIRED BY RULE 11. THIS~~  
5 ~~REQUIREMENT IS IN ADDITION TO THE RANDOM~~  
6 ~~SELECTION CONDUCTED BY THE SECRETARY OF STATE.~~

7  
8 VII. COMPLETE NECESSARY REPORTS FOR THE SECRETARY  
9 OF STATE REGARDING THE INCIDENT WITHIN TWO (2)  
10 HOURS OF THE INCIDENT.

11  
12 B. IF THE EVIDENCE IS AFTER VOTES HAVE BEEN CAST ON THE  
13 DEVICE BUT BEFORE THE CLOSE OF POLLS:

14  
15 I. THE DEVICE SHALL BE SEALED AND SECURELY  
16 DELIVERED TO THE CLERK AND RECORDER.

17  
18 II. THE CLERK AND RECORDER OR HIS OR HER DESIGNEE  
19 SHALL CLOSE THE ELECTION ON THAT DEVICE, AND  
20 PERFORM A COMPLETE MANUAL VERIFICATION OF THE  
21 PAPER BALLOTS (OR V-VPAT RECORDS) TO THE  
22 SUMMARY TAPE PRINTED ON THE DEVICE THAT  
23 REPRESENTS THE RECORD OF VOTES ON THE MEMORY  
24 CARD.

25  
26 III. IF THE TOTALS DO NOT MATCH THEN ONLY THE PAPER  
27 RECORD WILL BE ACCEPTED ~~IN-AS~~ THE OFFICIAL RESULTS  
28 FOR THAT DEVICE, AND THE DEVICE SHALL BE RE-  
29 SEALED, SECURED AND REPORTED TO THE SECRETARY OF  
30 STATE IMMEDIATELY - THE DEVICE CAN NO LONGER BE  
31 USED IN THE REMAINDER OF THE ELECTION UNTIL THE  
32 FIRMWARE AND/OR SOFTWARE HAVE BEEN  
33 REFORMATTED WITH THE TRUSTED BUILD.

34  
35 IV. IF THE TOTALS MATCH, THE MEMORY CARD MAY BE  
36 UPLOADED INTO THE TALLY SOFTWARE AT THE CLOSE OF  
37 POLLS.

38  
39 V. AFTER VERIFYING THE TOTALS, THE PAPER RECORDS AND  
40 MEMORY CARD SHALL BE SECURED WITH SEALS AND  
41 DOCUMENTED PROPERLY.

42  
43 VI. A NEW SECURED MEMORY CARD SHALL BE PLACED IN  
44 THE DEVICE. THE CLERK AND RECORDER OR HIS OR HER  
45 DESIGNEE SHALL FOLLOW THE STATE INSTRUCTIONS FOR  
46 INSTALLING/VERIFYING THE TRUSTED BUILD FOR THE

1                    SPECIFIC DEVICE. THE CLERK AND RECORDER OR HIS OR  
2                    HER DESIGNEE SHALL CONDUCT A HARDWARE  
3                    DIAGNOSTICS TEST AS PRESCRIBED IN RULE 11. ALL  
4                    DOCUMENTATION OF TESTING AND CHAIN OF CUSTODY  
5                    SHALL BE MAINTAINED ON FILE FOR EACH SPECIFIC  
6                    DEVICE.

7                    ~~THE CLERK AND RECORDER SHALL CONDUCT A HARDWARE~~  
8                    ~~DIAGNOSTICS TEST AS PRESCRIBED IN RULE 11, AND~~  
9                    ~~PROCEED TO CONDUCT A LOGIC AND ACCURACY TEST ON~~  
10                   ~~THE MACHINE IN FULL ELECTION MODE, CASTING AT~~  
11                   ~~LEAST 25 BALLOTS FOR COUNTIES WITH LESS THAN~~  
12                   ~~50,000 REGISTERED VOTERS, 50 BALLOTS FOR COUNTIES~~  
13                   ~~WITH MORE THAN 50,000 REGISTERED VOTERS ON THE~~  
14                   ~~DEVICE. THE TOTALS FROM THE DEVICE SHALL BE~~  
15                   ~~VERIFIED THROUGH THE UPLOADING PROCESS AND~~  
16                   ~~DETERMINED TO BE ACCURATE.~~

17  
18                   VII.    COMPLETE THE NECESSARY SEAL PROCESS AND  
19                                  DOCUMENTATION TO ESTABLISH THE CHAIN OF CUSTODY  
20                                  FOR THE DEVICE AND MEMORY CARD.

21  
22                   VIII. SET THE MACHINE TO ELECTION MODE READY FOR A  
23                                  ZERO REPORT.

24  
25                   IX. AT THE CONCLUSION OF THE ELECTION A FULL (ALL  
26                                  RACES) POST-ELECTION AUDIT SHALL BE CONDUCTED ON  
27                                  THE DEVICE AND RESULTS REPORTED TO THE SECRETARY  
28                                  OF STATE AS REQUIRED BY ELECTION RULE 11. THIS  
29                                  REQUIREMENT IS IN ADDITION TO THE RANDOM  
30                                  SELECTION CONDUCTED BY THE SECRETARY OF STATE.

31  
32                   X. COMPLETE NECESSARY REPORTS FOR THE SECRETARY OF  
33                                  STATE REGARDING THE INCIDENT WITHIN TWO (2)  
34                                  HOURS OF THE INCIDENT.

35  
36                   C. IF THE EVIDENCE IS AFTER THE CLOSE OF POLLS:

37  
38                   I. THE DEVICE SHALL BE SEALED AND SECURELY DELIVERED  
39                                  TO THE CLERK AND RECORDER.

40  
41                   II. THE CLERK AND RECORDER OR HIS OR HER DESIGNEE  
42                                  SHALL PERFORM A COMPLETE MANUAL VERIFICATION OF  
43                                  THE PAPER BALLOTS (OR V-VPAT RECORDS) TO THE  
44                                  SUMMARY TAPE PRINTED ON THE DEVICE THAT  
45                                  REPRESENTS THE RECORD OF VOTES ON THE MEMORY  
46                                  CARD.

1  
2  
3 III. IF THE TOTALS DO NOT MATCH THEN ONLY THE PAPER  
4 RECORD WILL BE ACCEPTED ~~IN-AS~~ AS THE OFFICIAL RESULTS  
5 FOR THAT DEVICE, AND THE DEVICE SHALL BE RE-  
6 SEALED, SECURED AND REPORTED TO THE SECRETARY OF  
7 STATE IMMEDIATELY - THE DEVICE CAN NO LONGER BE  
8 USED UNTIL THE FIRMWARE AND/OR SOFTWARE HAVE  
9 BEEN REFORMATTED WITH THE TRUSTED BUILD.

10  
11 IV. IF THE TOTALS MATCH, THE MEMORY CARD MAY BE  
12 UPLOADED INTO THE TALLY SOFTWARE AT THE CLOSE OF  
13 POLLS.

14  
15 V. AFTER VERIFYING THE TOTALS, THE PAPER RECORDS AND  
16 MEMORY CARD SHALL BE SECURED WITH SEALS AND  
17 DOCUMENTED PROPERLY.

18  
19 VI. ~~COMPLETE THE NECESSARY SEAL PROCESS AND~~  
20 ~~DOCUMENTATION TO ESTABLISH THE CHAIN OF CUSTODY~~  
21 ~~FOR THE DEVICE. THE CLERK AND RECORDER OR HIS OR~~  
22 ~~HE DESIGNEE SHALL FOLLOW THE STATE INSTRUCTIONS~~  
23 ~~FOR INSTALLING/VERIFYING THE TRUSTED BUILD FOR~~  
24 ~~THE SPECIFIC DEVICE AND COMPLETE THE NECESSARY~~  
25 ~~SEAL PROCESS AND DOCUMENTATION TO ESTABLISH THE~~  
26 ~~CHAIN OF CUSTODY FOR THE DEVICE.~~

27  
28 VII. DURING THE CANVASS PROCESS, A FULL (ALL RACES)  
29 POST-ELECTION AUDIT SHALL BE CONDUCTED ON THE  
30 DEVICE AND RESULTS REPORTED TO THE SECRETARY OF  
31 STATE AS REQUIRED BY ELECTION RULE 11. THIS  
32 REQUIREMENT IS IN ADDITION TO THE RANDOM  
33 SELECTION CONDUCTED BY THE SECRETARY OF STATE.

34  
35 VIII. COMPLETE NECESSARY REPORTS FOR THE SECRETARY  
36 OF STATE REGARDING THE INCIDENT.

37 43.8.11.3 PRIOR TO THE SUBMISSION OF CERTIFIED RESULTS FROM THE  
38 COUNTY, THE COUNTY CLERK AND RECORDER WILL PROVIDE A  
39 WRITTEN REPORT TO THE SECRETARY OF STATE ADDRESSING  
40 THE EXISTENCE OR ABSENCE OF ANY SECURITY ISSUES RELATED  
41 TO THE IMPLEMENTATION AND OPERATION OF THE VOTING  
42 SYSTEM. ALL COUNTY DOCUMENTATION RELATED TO THE  
43 VOTING SYSTEM SHALL BE AVAILABLE FOR INSPECTION BY THE  
44 OFFICE OF THE SECRETARY OF STATE FOR ALL DEVICES USED IN  
45 THE ELECTION.

1 43.8.12 ANY ADDITIONAL PHYSICAL SECURITY PROCEDURES NOT DISCUSSED  
2 IN THESE MANDATORY PROCEDURES SHALL BE SUBMITTED TO THE  
3 SECRETARY OF STATE FOR APPROVAL PRIOR TO THE ELECTION.

4 ~~43.7.1 The physical security of election equipment, software and firmware,~~  
5 ~~election materials, polling places and counting centers, and equipment~~  
6 ~~storage locations, including but not limited to:~~

- 7 ~~(a) Locking mechanisms and seals;~~
- 8 ~~(b) Individuals with Access to keys, door codes, vault combinations;~~
- 9 ~~(c) Temperature control (if necessary);~~
- 10 ~~(d) Security cameras or other surveillance;~~
- 11 ~~(e) Equipment maintenance procedures (See rule 11);~~
- 12 ~~(f) Transportation of equipment, ballot boxes, and ballots on election~~  
13 ~~day;~~
- 14 ~~(g) Emergency contingency plans for equipment and polling places;~~
- 15 ~~(h) Any other procedures used to maintain physical security;~~
- 16 ~~(i) Internal controls for the voting system including software and~~  
17 ~~hardware access controls and password management; and~~
- 18 ~~(j) Security Training for election judges.~~

19 43.89 The designated election official shall SUBMIT WITH THE SECURITY PLAN SAMPLE  
20 COPIES OF ~~maintain a file containing~~ all referenced forms, schedules, logs, and  
21 checklists. ~~The Secretary of State has the authority to inspect the file.~~

22 43.910 Included in the security procedures filed with the secretary of state shall be a  
23 section entitled "contingency plan." The contingency plan shall include:

- 24 (a) Evacuation procedures for emergency situations including fire, bomb threat,  
25 civil unrest, and any other emergency situations identified by the designated  
26 election official;
- 27 (b) Back up plans for emergency situations including fire, severe weather, bomb  
28 threat, civil unrest, electrical blackout, equipment failure, and any other  
29 emergency situations identified by the designated election official;
- 30 (c) An emergency checklist for election judges; and
- 31 (d) A list of emergency contact numbers provided to election judges.



- 1 ~~43.10.11 Computer room access shall be limited to authorized personnel only, and~~
- 2 ~~the delivery of ballots between the preparation room and computer room shall be~~
- 3 ~~performed by messengers or runners wearing distinguishing identification.~~